

REMARKS

Claims 1-21 were pending when an Office action was mailed December 21, 2005. The Office Action rejected Claims 1-21 under 35 U.S.C. § 102(b) and provisionally rejected Claims 1-21 on the ground of nonstatutory double patenting. By way of this response, Applicant submits arguments that Claims 1-21 should not be rejected under 35 U.S.C. § 102(b). Applicant is also submitting a terminal disclaimer regarding the provisional double patenting rejection concurrently with this response. Pursuant to 37 CFR § 1.111, Applicant hereby respectfully requests reconsideration of the Application.

REJECTION OF CLAIMS 1-21 UNDER 35 U.S.C. § 102(b)

The Office Action rejected Claims 1-21 as being anticipated by Dallmann et al. (5,322,244). The Office Action states that Claims 1-21 are clearly anticipated by Dallmann, and refers to Figure 6 of Dallmann. The Office Action states that elements 13 correspond to the claimed elongated members, elements 27 correspond to the payload component, and element 9 corresponds to the movable payload support. The Office Action also states that with regard to Claim 6, either the lower floor panel of element 9 or the top of roller structure 8 is considered to read over a “panel being approximately co-planar” with a floor panel. Applicant respectfully traverses this rejection.

Applicant submits that the elements 13 in Dallmann do not correspond to the claimed elongated members. The elements 13 in Dallmann are identified as a rail grid structure 13 in COL. 5, Line 52. A coordinate system X,Y is described as being established by the grid structure 13 in COL. 6, Line 11. Rail grid structure 13 is described as being a part of horizontal conveyor system 7 in COL 5, Line 52. The horizontal conveyor system 7 is stated to transport carts in the direction of arrows 7A and also perpendicularly thereto as indicated by arrows 7B in FIG. 4, as described in COL. 5, Lines 23-26. These perpendicular directions correspond to the X, Y coordinate system established by grid structure 13 as mentioned above. Applicant submits that a

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grid structure, by definition, is not equivalent to elongated members that are mostly or approximately parallel. Applicant submits that a relevant definition for grid in this situation is “a network of uniformly spaced horizontal and perpendicular lines”, as defined in the Merriam-Webster dictionary. Applicant submits that a relevant definition for parallel in this situation is “extending in the same direction, everywhere equidistant, and not meeting”, as defined in the Merriam-Webster dictionary. A grid does not extend in the same direction, but instead in two perpendicular directions, and by definition will have intersection points. Therefore, Applicant submits that the rail grid structure 13 establishing an X, Y coordinate system does not correspond to elongated members being spaced apart and mostly parallel as claimed in independent Claim 1. Applicant submits that the rail grid structure 13 also does not correspond to elongated engagement members being spaced apart and approximately parallel as claimed in independent Claims 9 and 17. Applicant submits that Dallmann therefore does not teach or suggest elongated members being spaced apart and mostly or approximately parallel. Accordingly, Applicant submits that independent Claims 1, 9, and 17 are allowable over the cited reference. Because Claims 2-8, 10-16, and 18-21 depend from allowable independent claims, they are allowable for the same reasons that make their corresponding independent claims allowable.

Applicant submits that elements 27 and 9 of Dallmann are not coupled together, and therefore do not correspond to the payload component and payload support claimed in independent Claims 1, 9, and 17. Applicant submits Dallmann shows in FIG. 6 that trolley 27 rests on rollers 27B in cart 9. Dallmann states that carts 9 each hold a trolley 27 at COL. 5, Line 17, but does not state that they are coupled together. Dallmann states that a lift 5 picks up a trolley 27 out of its transport cart 9 at COL 5, Lines 35-37. Applicant submits that the descriptions of the relationship of trolley 27 to cart 9 as stated in Dallmann shows that they are not coupled together. Applicant submits that if they were coupled together, they would be fastened or linked together in some manner, and that trolley 27 could not be simply lifted out of cart 9 by lift 5. Therefore, Applicant submits that element 27 does not correspond to the payload

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component and element 9 does not correspond to the payload support as claimed in independent Claims 1 and 9 because they are not coupled together. Applicant further submits that cart 9 is not coupled to a floor assembly. FIG. 6 in Dallmann and the corresponding description in COL. 5, Lines 62-66 shows that carts 9 rest on rollers 8 which are engaged with rollers 10C in rail system 13. Applicant submits this does not correspond to a coupling of cart 9 to a floor assembly. Therefore, Applicant submits that cart 9 does not correspond to the payload support as claimed in Claim 17, which is coupled to a floor assembly. For the preceding reasons, Applicant submits that Dallmann does not teach or suggest a payload component coupled to a payload support or a payload support coupled to a floor assembly. Accordingly, Applicant submits that independent Claims 1, 9, and 17 are allowable over the cited reference for this additional reason. Because Claims 2-8, 10-16, and 18-21 depend from allowable independent claims, they are allowable for the same reasons that make their corresponding independent claims allowable.

Applicant submits that Claim 6 is allowable for the following additional reason. Applicant submits that neither the lower floor panel of element 9 nor the top of roller structure 8 is coupled with an engagement surface, and therefore neither element corresponds to the payload panel coupled to at least one engagement surface as claimed in Claim 6. Applicant submits that Dallmann shows in FIG. 6 that the lower floor panel of cart 9 is not coupled to an engagement surface of an engagement member making up a portion of a floor assembly. Applicant submits Dallmann shows that the lower floor panel of cart 9 is not in contact with a floor assembly, and therefore is not physically coupled to an engagement surface. Applicant further submits that the top of roller structure 8 is also not coupled to an engagement surface. Applicant submits FIG. 6 and the corresponding description in COL. 5, Lines 62-66 does not show the top of roller structure 8 as being coupled to an engagement surface. For the preceding reasons, Applicant submits that Dallmann does not teach or suggest a payload panel coupled to at least one engagement surface. Therefore, Applicant submits Claim 6 is allowable over the cited reference for this additional reason.

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PROVISIONAL NONSTATUTORY DOUBLE PATENTING REJECTION OF CLAIMS 1-21

The Office Action provisionally rejected Claims 1-21 on the ground of nonstatutory double patenting over claims 1-46 of copending Application No. 10/811,771 and over claims 1, 3, 5-17, 19, 21-30, 32, 34-41, and 44-48 of copending Application No. 10/811,529. The Office Action stated that a timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement. With respect to the concurrently filed terminal disclaimer, Applicant respectfully traverses this rejection.

Applicant is submitting a terminal disclaimer concurrently with this response. Accordingly, Applicant requests that the nonstatutory double patenting rejection of Claims 1-21 be withdrawn.

CONCLUSION

For the foregoing reasons, applicant respectfully requests reconsideration and withdrawal of the rejections of Claims 1-21. If there are any remaining matters that may be handled by telephone conference, the Examiner is kindly invited to call the undersigned at his convenience.

Respectfully submitted,

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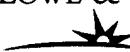
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Michelle J. Carman

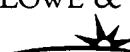
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